

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

247

FAO-4170-2017 (O&M)

Date of decision: 18.10.2019

ROSHNI

... Appellant

Versus

VIRENDER AND ANR.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Rajwinder Kaur, Advocate for
Mr. Sandeep Lather, Advocate for the appellant.
Mr. DR Bansal, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Jai Bhagwan in a motor vehicular accident that took place on 02.04.2015.

The Tribunal awarded Rs.7,93,844/-, detailed hereunder:-

Monthly income of the deceased	Rs.7600/-
Multiplier	11
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.6,68,844/-
Expenses on funeral and transportation	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-

The plea of claimant is that deceased was agriculturist by profession and doing dairy farming thereby earning Rs.30,000/- per month. The Tribunal, in para 14 of the award, has noticed that copy of the jamabandi for the year 2009-10 mark A is produced on record as an evidence of agricultural land owned by the deceased. The Tribunal has made reference to notification issued by the Haryana Government with regard to minimum wage fixed at the relevant time. However, perusal of the notification would reveal that minimum wage of a highly skilled person at the relevant time was Rs.6500/-. The land owned by deceased would be available to his widow. The appellant shall be entitle to loss of managing skills of deceased. In view of the above, income of the deceased is assessed at Rs.8000/- per month. Claimant shall be entitle to addition in income for future prospects @ 10%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this context, reference can be made to

judgment of this Court **Balvir Kaur and others Vs. Surender alias Surinder Singh and others**, FAO No.8419 of 2015, decided on **27.03.2019**. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.7,74,400/- [(8000 x 12 x 11) + (10% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed is modified to the effect that claimant shall be entitle to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.8,44,400/- and additional amount is Rs.50,556/- (8,44,400 - 7,93,844) payable with interest @ 7.5% per annum from the date of petition till realization to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

18.10.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No